THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26370 of 2006
27.12.2006

Between:

Kalum Ganga Devi, W/o.Sankuru

And others

… Petitioners

AND

The District Collector, West Godavari, Eluru

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26370 of 2006

ORDER:

Petitioners 1 and 2 are residents of Pendrala village and third petitioner is resident of Pathakunkala village of Polavaram Mandal in West Godavari District. They filed the present writ petition seeking a writ of Mandamus declaring the action of the respondents, namely, District Collector, Eluru, Mandal Revenue Officer (MRO), Polavaram Mandal, and Sub-Inspector of Police, P.S.Polavaram, in pressuring the petitioners by threat of forcible eviction of the petitioners and other persons belong to Scheduled Tribe (ST) from the land in various survey numbers situated at Jillellagudem, Pendrala, Kunkala villages of Polavaram Mandal, as illegal and arbitrary. They also seek consequential direction to the respondents not to evict them.

It is the case of the petitioners that the subject land has been in possession of STs for many years. Their possession was also recorded in the village adangals and that after coming into force of Schedule Areas Land Transfer Regulation no other person is registered as possessor in the subject land. They also allege that there have been many attempts by the non-Tribals to occupy the land and now allegedly the respondents are pressurizing the petitioners and other Tribals with Police threats to evict them.

At the stage of admission itself, learned Assistant Government Pleader for Revenue (Assignment) has obtained instructions from the respondents. He submits that theland in question belongs to nine non-Tribals and that they were also issued Pattadar Pass Books. The land is not Government land and the petitioners encroached upon the private land. He also submits that the respondents never pressurized or threatened the petitioners with dispossession.

After hearing learned Counsel for the petitioners and learned Assistant Government Pleader, this Court is convinced that the petitioners herein are trying to seek redressal in relation to a dispute, which is purely in the realm of Private Law by

resorting to Public Law remedy. If the petitioners are encroachers as alleged, squatting on the private land as rightly pointed out by the learned Assistant Government Pleader, respondents have no say. It is the dispute between the petitioners and those nine non-Tribal persons. The third respondent has to interfere in the matter if there is any complaint made by the private persons alleging trespass.

The writ petition is misconceived and is accordingly dismissed. No costs.

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December 27, 2006. (**V.V.S.RAO,J**)

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